

1 MARK J. CONNOT (10010)
2 COLLEEN E. MCCARTY (13186)
FOX ROTHSCHILD LLP
3 1980 Festival Plaza Drive, Ste. 700
Las Vegas, NV 89135
Telephone: 702.262.6899
Facsimile: 702.597.5503
mconnot@foxrothschild.com
cmcarty@foxrothschild.com
Liaison Counsel for Defendants

6 MICHAEL VAN RIPER (*Pro Hac Vice*)
7 NATALIE SHKOLNIK (*Pro Hac Vice*)
AARI ITZKOWITZ (*Pro Hac Vice*)
8 JAY AUSLANDER (*Pro Hac Vice*)
WILK AUSLANDER LLP
9 825 Eighth Avenue, Ste. 2900
New York, NY 10019
Telephone: 212.421.2902
Facsimile: 212.752.6380
mvanriper@wilkauslander.com
nshkolnik@wilkauslander.com
aitzkowitz@wilkauslander.com
jauslander@wilkauslander.com
Counsel for Defendants

14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 IN RE CLEANSPIKE, INC. DERIVATIVE
17 LITIGATION

Case No. 2:21-cv-01004-GMN-BNW

18 This Document Relates to:
19

20 ALL ACTIONS.

**JOINT STIPULATION AND [Proposed]
ORDER EXTENDING DEADLINE TO
SUBMIT A PROPOSED SCHEDULE**

22 Plaintiffs Andrea Ciceri and Mark Perna (“Plaintiffs”), both derivatively on behalf of
23 Nominal Plaintiff CleanSpark, Inc. (“CleanSpark”) and Defendants Zachary K. Bradford, Lori L.
24 Love, S. Matthew Schultz, Roger P. Beynon, Larry McNeill, Thomas L. Wood, and Nominal
25 Defendant CleanSpark (“Defendants”) (collectively, with Plaintiffs, the “Parties”), by and
26 through their undersigned counsel, hereby enter into the following stipulation and proposed
27 order:

28 **WHEREAS**, on January 21, 2022, this Court issued an Order staying proceedings this

1 matter (the “Stay Order”); and

2 **WHEREAS**, the Stay Order provided that the stay of proceedings in this matter would be
3 terminated upon, inter alia, denial in whole or in part of the then-anticipated motion to dismiss by
4 all defendants in the securities class action currently pending before the Hon. Loretta Preska in
5 the Southern District of New York, *Bishins v. CleanSpark, Inc. et al.*, No. 21-cv-511 (LAP) (the
6 “Securities Class Action”); and

7 **WHEREAS**, by Opinion & Order dated January 5, 2023, the court in the Securities Class
8 Action denied defendants’ motion to dismiss, thereby terminating the stay of proceedings in this
9 matter; and

10 **WHEREAS**, the Stay Order further provided that the Parties meet and confer and submit
11 a proposed scheduling order for the Court’s approval within two weeks of the date that the stay
12 of proceedings in this matter is lifted; and

13 **WHEREAS**, the Parties have met and conferred but have not yet reached agreement on a
14 proposed scheduling order; and

15 **WHEREAS**, the defendants’ answer in the Securities Class Action is due to be filed on
16 or before February 9, 2023 and the parties to the Securities Class Action are due to file their Rule
17 26(f) report on or before April 24, 2023;

18 IT IS HEREBY STIPULATED AND AGREED, by the Parties hereto, through their
19 undersigned counsel, subject to the approval of the Court, as follows:

20 1. The Parties shall file either a proposed scheduling order or a notice updating the
21 Court as to the progress of their meet and confer sessions on or before February 2, 2023.
22 Defendants need not respond to the operative complaint until the date set in the Court’s
23 scheduling order.

24 2. Other than as agreed herein, the Parties reserve all rights.

25

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27

28

1 DATED: January 19, 2023

2 **WILK AUSLANDER LLP**

3 /s/Jay S. Auslander

4 Jay S. Auslander
5 Natalie Shkolnik
6 Aari Itzkowitz
7 Michael Van Riper
8 825 Eighth Avenue, Ste. 2900
9 New York, New York 10019
(212) 421-2902 tel
(212) 752-6380 fax
10 jauslander@wilkauslander.com
nshkolnik@wilkauslander.com
aitzkowitz@wilkauslander.com
mvanriper@wilkauslander.com
11 *Counsel for Defendants*

12 **FOX ROTHSCHILD LLP**

13 /s/Colleen E. McCarty

14 MARK J. CONNOT (10010)
COLLEEN E. MCCARTY (13186)
15 1980 Festival Plaza Drive, Ste. 700
Las Vegas, NV 89135
16 mconnot@foxrothschild.com
cmcarty@foxrothschild.com
17 *Liaison Counsel for Defendants*

DATED: January 19, 2023

LEVERTY & ASSOCIATES LAW CHTD

/s/Patrick R. Leverty

PATRICK R. LEVERTY
Reno Gould House
832 Willow Street
Reno, NV 89502
pat@levertylaw.com
Liaison Counsel for Plaintiffs

THE BROWN LAW FIRM, P.C.

Timothy Brown
767 Third Avenue, Ste. 2501
New York, NY 10017
tbrown@thebrownlawfirm.net
Co-Lead Counsel for Plaintiffs

THE ROSEN LAW FIRM, P.A.

Phillip Kim
275 Madison Avenue, 40th Fl.
New York, NY 10016
pkim@rosenlegal.com
Co-Lead Counsel for Plaintiffs

19 **ORDER**

20 **IT IS SO ORDERED**

21 **DATED:** 3:41 pm, January 20, 2023

22 

23 **BRENDA WEKSLER**
24 **UNITED STATES MAGISTRATE JUDGE**